Remarks

Claims 63-86 are pending.

Claims 63-86 were rejected by the Examiner.

Claims 63-86 were rejected under 35 USC 103(a) as being unpatentable over Schuster (US 6,170,075) in view of DeLuca, et al. (US 5,701,312).

As stated in the office action, Schuster does not teach determining a replication factor, or where the redundant voice data is the original voice data and a redundancy index.

In the office action, it states that DeLuca teaches a redundancy index transmitted with the message. This is not true. The office action refers to three different parameters in the system of Deluca: transmission number, message number and a received number. It should be noted that the 'received number' is not actually referred to in the office action, but comes into play in one of the references by the Examiner. The reference to col. 9, line 25 refers to 'multiple transmissions,' which are identified by the transmission number at the terminal but not transmitted with the message.

The transmission number is the number of times the same message is transmitted. This number is stored in the system memory, (Fig. 2, 245) described at col. 3, lines 23-27. The number is stored in the system memory as 'a number of message sends, i.e., the number of times a message is to be sent to each device.' It is also stored as the 'transmission number,' in the transmission database (Fig. 2, 250) described at col. 2, lines 57-65. The transmission number is 'a transmission number is stored for each message to indicate how many time the message has been transmitted...' Neither the transmission number nor the number of message sends is sent in the packets as a redundancy index.

The second number referred to is the message number. The message number is an identifier of the message itself, the message that is repeatedly sent. This is described in col. 4, lines 26-32, as a unique identifier of each message. The message number is not a number of times the message is sent, nor is it a replication number or redundancy index.

The third number is a received number, referred to at col. 7, lines 2-8. The message memory 645 (Fig. 7) stores 'a received number, a message number associated with the message, a receive number indicative of *how many times the same message has been received...*" The received number is generated by the receiving device, it is not derived from a received redundancy index.

In operation, the redundancy index of the current invention as claimed is discussed on page 8, lines 4-12, among other places. The redundancy index identifies which replication in a series of replications a packet comprises. If the device has already received a packet with a redundancy index of 1 for a particular payload, the redundant packets identified as packet replicas 2 and 3 can be discarded.

In contrast, the system of DeLuca uses the message number to determine if the same message, having the *same message number*, has been received. DeLuca, col. 7, lines 27-38. If it has already been completely received, the message is discarded.

To further clarify this aspect of the system as claimed, claims 63, 71, 78 and 84 have been amended to recite that the *replication factor is a number of replications of the original packets to be made*, and that the redundancy index *indicates which replication the redundant voice data comprises*. As discussed in detail above, this is not shown, taught or suggested by the combination of references.

It is therefore submitted that claims 63-86 are patentably distinguishable over the prior art and allowance of these claims is requested.

No new matter has been added by this amendment. Allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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